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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/769,013 | 01/30/2004 | Scott B. Davis | IS01103TC/FLE MOTA:0004 | 7970 |
| 7590 Michael G. Fletcher Fletcher Yoder P.O. Box 692289 Houston, TX 77269-2289 | | 03/15/2007 | EXAMINER ARTHUR JEANGLAUD, GERTRUDE | ART UNIT PAPER NUMBER 3661 |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 03/15/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | |
|------------------------------|--|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/769,013 | DAVIS, SCOTT B. |
| | Examiner Gertrude Arthur-Jeanglaude | Art Unit 3661 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 January 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10 and 12-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10, 12-34 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application

6) Other: _____

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

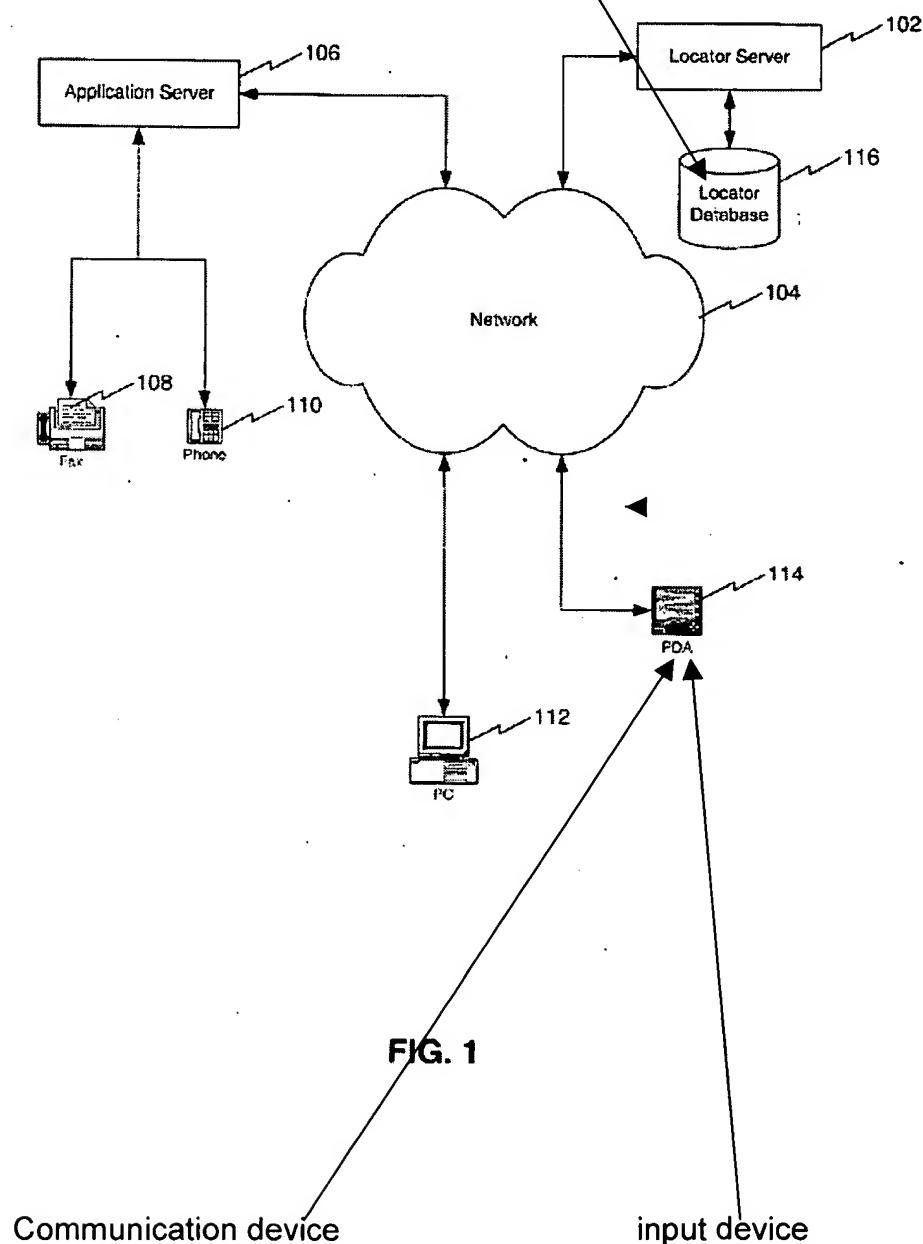
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (U.S. Pub No. 20040203919) in view of Green et al. (U.S. Pub No. 20010051973)

As to claims 1, 21, Ross et al. disclose a telematics assembly comprising an input device configured to receive a point of interest (POI) (See paragraph 0039); a communication device configured to initiate communication with a database having data related to the POI (See paragraph 0025, 0029; page 6, second column at claim 13); and a receiving device configured to receive the data related to the POI from the database (See paragraph 0036). Ross et al. fail to specifically disclose that the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest. In an analogous art, Green et al. disclose a method and system and computer program product for a locator service wherein it discloses the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest (See paragraph 0043, 0047, 0073, 0076) [Green et al. discloses in Fig. 1 a PDA 114 which is a communication device where the codes (arbitrary codes) are entered. Each one of the codes is associated with a point of interest in the locator database 116]. It

would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ross et al. with that of Green et al. by assigning a code to a point of interest in order to better handle location requests.

Arbitrary codes for the point of interest



As to claims 2, 10, 15, Ross et al. disclose the receiving device comprises a display configured to present the data related to the POI visually (See unit 170).

As to claim 3, Ross et al. disclose a positioning device (GPS) configured to provide the location of the telematics assembly (See paragraph 0020).

As to claims 4-5, 12, 16-17, 22-23, Ross et al. disclose the communication device is configured to communicate with a wireless network and the database is accessible via the wireless network (See paragraph 0022; Fig.3).

As to claims 6-7, Ross et al. disclose a data storage device wherein the database is maintained on the data storage device and is configured to communicate wirelessly with at least one of the input device and the receiving device (See paragraph 0034).

As to claim 8, Ross et al. disclose a telematics system for use by an individual comprising an input device configured to receive a point of interest (POI) for facilitating transmittal of a request to a database having information about a location of the POI (See paragraph 0039), the database being configured to provide the information about the location of the POI in response to the request; a receiving device configured to receive the information about the location of the POI from the database (See paragraph 0025, 0036); a navigation device configured to determine a location of the individual to provide output data comparative of the location of the individual and the location of the POI; and an output device (display) configured to present the output data to the individual (See Fig.1). Ross et al. fail to specifically disclose that the input device is configured to receive an arbitrary code pre-assigned to correspond to a

point-of-interest. In an analogous art, Green et al. disclose a method and system and computer program product for a locator service wherein it discloses the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest (See paragraph 0043, 0047, 0073, 0076). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ross et al. with that of Green et al. by assigning a code to a point of interest in order to better handle location requests.

As to claims 9, 19-20, 25-26, Ross et al. disclose the navigation device is configured to determine at least one route for travel between the location of the individual and the location of the POI (See paragraph 0006).

As to claim 13, Ross et al. disclose the network provides a link to a remote processor configured to develop the output data (See paragraph 0023-0024; Fig.2).

As to claim 14, Ross et al. disclose a telematics system for use by an individual comprising a vehicle (See paragraph 0019); and a navigation system located in the vehicle comprising an input device configured to receive and to represent a point of interest (POI) for facilitating transmittal of a request to a database having data related to the POI, the database being configured to provide the data related to the POI in response to the request; (See paragraph 0030). Ross et al. fail to specifically disclose that the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest. In an analogous art, Green et al. disclose a method and system and computer program product for a locator service wherein it discloses the input device is configured to receive an arbitrary code pre-assigned to correspond to a

point-of-interest (See paragraph 0043, 0047, 0073,0076). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ross et al. with that of Green et al. by assigning a code to a point of interest in order to better handle location requests.

As to claim 18, Ross et al. disclose the data related to the POI includes a location of the POI, and wherein a server is configured to provide to the receiving device output data comparative of the location of the vehicle and the location of the POI (See paragraph 0063).

As to claims 24, 27-34, Ross et al. disclose a method of obtaining information regarding a point of interest and a computer program on a tangible medium the program being configured for use with a telematics device in communication with a database having data regarding a point of interest comprising an input means to represent a POI into a telematics device (See paragraph 0046, 0056, page 6 at claim 13); Ross et al. disclose a specific point of interest (location of interest) and have the system provide a direction (travel direction between the POI and the telematics device) (See Paragraph 0006).). Ross et al. fail to specifically disclose that the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest. In an analogous art, Green et al. disclose a method and system and computer program product for a locator service wherein it discloses the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest (See paragraph 0043, 0047, 0073, 0076). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ross et al. with that of

Green et al. by assigning a code to a point of interest in order to better handle location requests.

Response to Arguments

Applicant's arguments filed on 1/22/07 have been fully considered but they are not persuasive.

Applicant's representative argues that the examiner must not only show that the combination includes all of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. Examiner pointed out in the office action all limitations pertaining to the claims associated with the prior art. Moreover, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the rejection is proper. Applicant's representative argues that "Examiner admitted that Ross does not disclose the use of an "arbitrary code" to obtain information relating to a POI. Green does nothing to obviate the deficiencies of Ross with regard to the use of an "arbitrary code" as recited in independent claims 1, 8, 14, 21, 27, 32, and 33. The "arbitrary code"

does not necessarily alphabetically or alphanumerically substantially correspond to the name of the POI. See Application, page 2. In contrast, Green discloses the use of a "location code that contains "locational and categorical information on every POI that is selected". Furthermore, Applicant's representative argues how Green differs but fail to state how far different the "arbitrary code" claimed is from what Applicant discussed. On page 4 of the specification, an example is given of the "arbitrary code" which is no different from the Green et al. prior art. The rejection is therefore maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is

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(571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gertrude A. Jeanglaude
Gertrude A. Jeanglaude
Primary Examiner
AU 3661

gaj